

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARTHUR DARNELL,

Defendants.

Case No. 08-cr-30254-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Arthur Darnell's *pro se* motion to amend his judgment and commitment (Doc. 161). The government has responded to the motion (Doc. 163). On November 20, 2009, the Court sentenced Darnell to serve 125 months in prison. Darnell now asks the Court to clarify its judgment to provide that he should get credit against his sentence for the roughly ten months he spent in the custody of the U.S. Marshal Service his sentencing. Darnell was in federal custody on a writ from a state sentence on an unrelated charge. Darnell's judgment is silent on the matter of credit for time served.

The Court does not have jurisdiction in this criminal case to amend Darnell's sentence after entry of judgment. The relief Darnell seeks – recalculation of his sentence – is only available through a proceeding under 28 U.S.C. § 2241, which requires exhaustion of administrative remedies, *see Richmond v. Scibana*, 387 F.3d 602, 604 (7th Cir. 2004), and a suit against Darnell's custodian in the jurisdiction of his incarceration, *see Samirah v. O'Connell*, 335 F.3d 545, 551 (7th Cir. 2003).

Darnell's current motion does not satisfy those requirements. For these reasons, the Court

DISMISSES Darnell's motion (Doc. 161).

IT IS SO ORDERED.

DATED: September 30, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE